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Before the  
Federal Communications Commission  
Washington, DC 20554

SEP 30 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 96-142  
Table of Allotments, ) RM-8829  
FM Broadcast Stations. ) RM-8873  
(Woodville and St. Marks, Florida) )

To: Mass Media Bureau (Policy & Rules)

COMMENTS TO COUNTERPROPOSAL

George Roberts, d/b/a, Anchor Communications, ("Anchor") respectfully comments on the counterproposal, RM-8873, filed by St. Marks Broadcasting, ("St. Marks") on August 26, 1996. The Commission's Public Notice of this counterproposal, released September 13, 1996, invited interested parties to file comments on the proposal no later than 15 days after the date of Public Notice. These comments are, therefore, timely.

The Notice of Proposed Rule Making, DA 96-1042, ("NPRM") proposes allotting Channel 250A as a first local service at Woodville, Florida. St. Marks counterproposes that Channel 250A be allotted instead as first local service at St. Marks, Florida, stating that this arrangement of allotments is superior to that proposed in the NPRM. In support, St. Marks argues that Woodville is a "bedroom community of Tallahassee, Florida" and "hardly" autonomous.

These arguments are unavailing. To be acceptable for allotment purposes, a locale must present a geographical population grouping where the residents function as and conceive of themselves as residents of a community around which their inter-

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ests coalesce." Semora, North Carolina 5 FCC Rcd 934 (1990). As described in Anchor's Petition for Rule Making, Woodville is a census designated place with a fire department, its own post office, elementary school, six churches, parks, banks and shopping centers. Certain services, such as law enforcement, are provided by Leon County. The Commission does not require a municipality to be "autonomous" or provide every public service on its own in order to merit community status. Id. Woodville clearly has the requisite organizations and services necessary for allotment purposes. St. Marks has failed to rebut this showing.

The FM allotment priorities are: (1) first time aural reception service, (2) Second full time aural reception service, (3) First local transmission service, (4) other public interest matters. Equal weight given to priorities 2 and 3. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). When presented with the choice of competing counterproposals involving priority 3 (first local service), the Commission has uniformly made its selection based on population difference and a comparison of reception services. Where it has found that neither community is underserved, the Commission bases its selection on a straight population comparison. Blanchard, Louisiana and Stephens, Arkansas, 10 FCC Rcd 9828, ¶ 10, 11 (1995).

As noted by St. Marks, both of the proposed communities are served by at least five full time reception stations. Accordingly, they are each well-served. Coleman, Sebewaing and Tuscola,

Michigan, DA 96-1501, (Allocations Branch, released September 13, 1996) (presence of at least five full time reception services constitutes being well-served.) The population differences between allotting Channel 250A at St. Marks or Woodville are significant:

<u>Community</u>	<u>Population</u>	<u>1 mV/m Contour Population</u>
Woodville	2,760	168,872
St. Marks	307	25,845

In conclusion, Woodville has all of the necessary indicia of community for allotment purposes. As both Woodville and St. Marks are controlled by allotment priority 3, the communities are well-served, and the Woodville allotment would serve a significantly larger number of people, Channel 250A must be allotted to Woodville.

Respectfully Submitted,

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September 30, 1996

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By

  
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His Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September, 1996, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

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